

Application No. 10/656,630
Amendment After Final dated JULY 21, 2006
Reply to Office Final Action dated May 23, 2006

REMARKS/ARGUMENTS

Applicants have carefully reviewed the Final Office Action mailed on May 23, 2006. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. Claims 1-33 remain pending.

Rejections Under 35 U.S.C. §103

Claims 1-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Richardson et al. (U.S. Pub. No. 2001/0009980) in view of Wang et al. (U.S. 6,849,224 B2). The Examiner indicated that Richardson et al. discloses the claimed invention except for a plurality of discrete affixation points that are separated from other discrete affixation points by areas where the polymer sleeve is not affixed to the coil. However, the Examiner indicated that Wang et al. discloses "intracorporal devices comprising: the application of thermal or radiation treatments to said device for configuring a plurality of discrete affixation points, as best seen in Figures 10 and 11, wherein each discrete affixation point is separated from the other discrete affixation point areas where the polymer sleeve is untreated (column 7 line 42 – column 8 line 60)" and that it would be obvious to combine the teachings of Richardson et al. with Wang et al. to arrive at the claimed invention. We respectfully disagree.

MPEP §2143 indicates that in order to establish a prima facie case of obviousness, the prior art references must teach all of the claim limitations. Each of the independent claims under consideration recites, among other things, a plurality of discrete affixation points, that each discrete affixation point fixes the thermoplastic polymer sleeve to two or more coil windings, and that each discrete affixation point is separated from other discrete affixation points by areas where the polymer sleeve is not affixed to the coil. As indicated by the Examiner, Richardson et al. fails to teach or disclose these limitations. Wang et al. only appears to teach the selective cross-linking of a polyethylene prosthetic device. Nothing in Wang et al. teaches or suggests that this cross-linking fixes the polyethylene object to any other structure of the Wang et al. prosthetic device. Instead, Wang et al. only discloses that the selective cross-linking gives the prosthetic device "desired properties". These desired properties only appear to relate to balancing "toughness and wear rate" in a prosthetic device. Wang et al. at col. 7, ll 14-28. This has nothing whatsoever to do with fixing a polymer

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sleeve to a coil (or any other structure). As such, the claimed plurality of discrete affixation points that fix the thermoplastic polymer sleeve to two or more coil windings is not taught in either Richardson et al. or Wang et al. whether these references are taken alone or in combination. As such, Richardson et al. and Wang et al., taken either alone or in combination fail to teach or disclose each and every limitation recited by the claims. Accordingly, the rejection under 35 U.S.C. §103(a) cannot be maintained, and should be withdrawn.

Moreover, MPEP §2143.01 indicates that in order to modify or combine references, the prior art must suggest the desirability of the claimed invention. Richardson et al. teach that first polymer jacket 78 and second polymer jacket 81 can be joined in a lap joint 82 that provides a smooth transition between jacket 78 and jacket 81. Richardson et al. at [0028], ll 12-20. Generally, this is done to smooth the transition from a generally stiffer polymer to a generally more flexible polymer. See: Richardson et al. at [0011]. Wang et al., conversely, uses selective cross-linking to improve wear resistance and improve toughness in polymeric compositions for use in prosthetic implants. It is not entirely clear why one would look at the selective cross-linking of polyethylene in a prosthetic device as taught by Wang et al. as a source of inspiration for creating a smooth transition from one polymer to another in a guidewire. Thus, even if the combination of references *did* teach all the limitations of the claimed invention, there still remains a lack of motivation to combine the cited references.

Based on the forgoing comments, Applicants respectfully submit that a prima facie case of obviousness has not been properly established and that the rejection of claim 1-33 should be withdrawn in due course.

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Conclusion

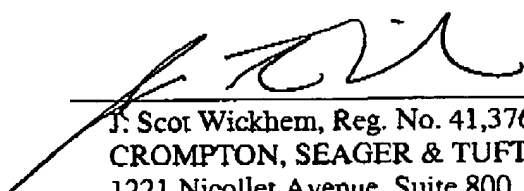
Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his attorney,

Date: July 21, 2006


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